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INDUSTRIAL PROPERTY LAWS AND TREATIES
(INSERT)

Editor's Note

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Council Directive of December 16, 1986, on the Legal Protection of Topographies of Semiconductor Products (87/54/EEC) (*This text replaces the one previously published under the code MULTILATERAL TREATIES – Text 2-011*) Text 1-001

Council Regulation (EEC) No. 1768/92 of June 18, 1992, Concerning the Creation of a Supplementary Protection Certificate for Medicinal Products (*This text replaces the one previously published under the code MULTILATERAL TREATIES – Text 2-013*) Text 2-001

Council Regulation (EEC) No. 3842/86 of December 1, 1986, Laying Down Measures to Prohibit the Release for Free Circulation of Counterfeit Goods (*This text replaces the one previously published under the code MULTILATERAL TREATIES – Text 3-003*) . . . Text 3-001

First Council Directive of December 21, 1988, to Approximate the Laws of the Member States Relating to Trade Marks (89/104/EEC) (*This text replaces the one previously published under the code MULTILATERAL TREATIES – Text 3-006*) Text 3-002

Council Regulation (EEC) No. 2081/92 of July 14, 1992, on the Protection of Geographical Indications and Designations of Origin for Agricultural Products and Foodstuffs (*This text replaces the one previously published under the code MULTILATERAL TREATIES – Text 5-002*) Text 5-001

Notifications Concerning Treaties Administered by WIPO in the Field of Industrial Property

Budapest Treaty

Limitation of Status of International Depositary Authority With Respect to "Microscopic Algae"

NATIONAL BANK FOR INDUSTRIAL
MICROORGANISMS AND CELL CULTURES
(NBIMCC)
(Bulgaria)

The Director General of WIPO was informed by the following communication received on February 25, 1993, dated February 23, 1993, from the Government of Bulgaria of the withdrawal of its declaration of assurances made under Article 7 of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure with respect to "microscopic algae," a kind of microorganism in respect of which it had been announced that deposits would be accepted by the National Bank for Industrial Microorganisms and Cell Cultures (NBIMCC), an international depositary authority under that Treaty, but for which no deposit has ever been made with the said authority:

Bulgaria to the United Nations Office and the International Organizations at Geneva presents its

compliments to the World Intellectual Property Organization and has the honour to communicate to the latter the following information:

On the basis of Article 8, item (2) of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure and the Rule 4.2(d) for its implementation the Declaration of the Government of the Republic of Bulgaria of 27 August 1987 made in accordance of Article 7(1)(a) of the same Treaty is not applicable any more for microscopic algae. Thus microscopic algae will not be accepted for deposit by the National Bank for Industrial Microorganisms and Cell Cultures.

[End of the text of the communication of the
Government of Bulgaria]

Pursuant to Article 8(2)(b) of the Budapest Treaty and Rule 4.2(c) of the Regulations under the Budapest Treaty, the limitation of the status of international depositary authority of the National Bank for Industrial Microorganisms and Cell Cultures (NBIMCC) with respect to "microscopic algae," shall take place at the expiration of three months after the date of the above-mentioned communication of the Government of Bulgaria, that is, on May 22, 1993.

Budapest Communication No. 82 (this communication is the subject of Budapest Notification No. 113, of April 6, 1993).

Notifications Concerning the UPOV Convention

International Convention for the Protection of New Varieties of Plants (UPOV)

New Member of UPOV

FINLAND

The Government of Finland deposited, on March 16, 1993, its instrument of accession to the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as revised

at Geneva on November 10, 1972, and on October 23, 1978.

Finland has not heretofore been a member of the International Union for the Protection of New Varieties of Plants, founded by the said International Convention.

The said International Convention will enter into force, with respect to Finland, on April 16, 1993. On that date, Finland will become a member of UPOV.

For the purpose of determining its share in the total amount of the annual contributions to the budget of UPOV, one contribution unit is applicable to Finland.

UPOV Notification No. 42, of March 19, 1993.

Registration Systems Administered by WIPO

Patent Cooperation Treaty (PCT)

Seminar

In January 1993, a WIPO official spoke on the PCT at a PCT seminar organized in Ludwigshafen by BASF, an enterprise in Germany, for some 30 participants from industry.

Activities of WIPO in the Field of Industrial Property Specially Designed for Developing Countries

Africa

Assistance With Training, Legislation and Modernization of Administration

Côte d'Ivoire. In January 1993, a WIPO official visited Abidjan and discussed with government officials the proposed accession of Côte d'Ivoire to the Hague Agreement Concerning the International Deposit of Industrial Designs. The situation regarding the possible accession of that country to the Madrid Agreement Concerning the International Registration of Marks and the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration was also discussed.

Gambia. In January 1993, at the request of the government authorities, the International Bureau prepared and sent draft regulations under the Industrial Property Act, 1989.

United Republic of Tanzania. In January 1993, a WIPO official undertook a mission to Dar es Salaam to discuss with government officials the organization of a WIPO National Seminar on Copyright and Neighboring Rights to be held in Dar es Salaam in the first half of 1993. He also discussed developments relating to industrial property legislation and a proposed United Nations Development Programme (UNDP)-financed country project.

African Intellectual Property Organization (OAPI). In January 1993, a WIPO official held discussions on OAPI matters in Abidjan with the President of the OAPI Council of Ministers, Mr. F. Kacou Angora, Minister for Commerce and Industry of Côte d'Ivoire, as well as with a government official from Côte d'Ivoire and a WIPO consultant from France. The preparations for the special session of the OAPI Council, to be convened by the end of March 1993, were reviewed.

Arab Countries

Assistance With Training, Legislation and Modernization of Administration

Morocco. In January-February 1993, a WIPO consultant from Uruguay visited Casablanca and

Rabat to provide the Moroccan Industrial Property Office with advice on the computerization of patent and trademark procedures. The mission was undertaken under the UNDP-financed country project.

Asia and the Pacific

Training Courses, Seminars and Meetings

First WIPO-Association of South East Asian Nations (ASEAN) Consultation Meeting on Cooperation in the Field of Intellectual Property (Geneva). On January 20 and 21, 1993, WIPO organized the first WIPO-ASEAN Consultation Meeting on Cooperation in the Field of Intellectual Property at its headquarters in Geneva. The Meeting was attended

by 22 government officials from the ASEAN member countries (Brunei Darussalam, Indonesia, Malaysia, Philippines, Singapore, Thailand), including the ambassadors and permanent representatives of those countries to the United Nations and other international organizations at Geneva, a representative of the ASEAN Secretariat based in Jakarta and WIPO officials led by the Director General. The Meeting agreed on five follow-up activities, namely,

a mission to the ASEAN countries to prepare a feasibility study on possible ASEAN intellectual property information exchange, the organization of an ASEAN forum on the role of intellectual property in the development of the ASEAN economy, a comparative study of intellectual property laws of ASEAN countries, the organization of an ASEAN seminar for enforcement officers and the judiciary, and advice from WIPO on a possible ASEAN newsletter on intellectual property.

Indonesia. In January 1993, a WIPO consultant from Japan undertook a mission to Jakarta in order to provide training on patent search and examination for some 40 staff members of the Directorate General of Copyrights, Patents, and Trademarks.

Assistance With Training, Legislation and Modernization of Administration

Bangladesh. In January 1993, a WIPO consultant from the European Patent Office (EPO) undertook a mission to Dhaka to provide the Department of Patents, Designs and Trade Marks with guidance and assistance in patent classification, examination and searching procedures, and in the use of patent documentation on CD-ROM. The mission was funded under the UNDP-financed country project.

Brunei Darussalam. In January 1993, on the occasion of the First WIPO-ASEAN Consultation Meeting on Cooperation in the Field of Intellectual Property, a government official had discussions with WIPO officials in Geneva on matters of mutual interest.

India. In January 1993, a WIPO consultant from the United Kingdom undertook an advisory mission to Bombay and Nagpur on the modernization and expansion of patent information services, as part of the UNDP-financed country project.

Indonesia. In January 1993, on the occasion of the First WIPO-ASEAN Consultation Meeting on Cooperation in the Field of Intellectual Property, two government officials had discussions with WIPO officials in Geneva on matters of mutual interest.

Malaysia. In January 1993, on the occasion of the First WIPO-ASEAN Consultation Meeting on Cooperation in the Field of Intellectual Property, a government official had discussions with WIPO officials in Geneva on matters of mutual interest.

Philippines. In January 1993, on the occasion of the First WIPO-ASEAN Consultation Meeting on Cooperation in the Field of Intellectual Property, a government official had discussions with WIPO officials in Geneva on matters of mutual interest.

Singapore. In January 1993, a WIPO consultant from Australia commenced a long-term assignment at the Registry of Trade Marks and Patents to advise and assist in preparations for the establishment of a new national patent system. The mission is financed from a funds-in-trust arrangement established by WIPO with contributions from the Government of Singapore. Also in January 1993, at the request of the government authorities, the International Bureau continued consultations with the Attorney General's Chambers and the Registry of Trade Marks and Patents on various questions pertaining to the draft patent law.

In January 1993, on the occasion of the First WIPO-ASEAN Consultation Meeting on Cooperation in the Field of Intellectual Property, two government officials had discussions with WIPO officials in Geneva on matters of mutual interest.

Thailand. In January 1993, on the occasion of the First WIPO-ASEAN Consultation Meeting on Cooperation in the Field of Intellectual Property, two government officials had discussions with WIPO officials in Geneva on matters of mutual interest.

Latin America and the Caribbean

Assistance With Training, Legislation and Modernization of Administration

Bolivia. In January 1993, a WIPO official undertook a mission to La Paz to discuss with government officials the possible accession of Bolivia to the WIPO Convention and the Paris Convention, as well as future cooperation between WIPO and the Government for the modernization of Bolivia's industrial property legislation and administration. Concerning the latter, the WIPO official had prelimi-

nary discussions on a project proposal prepared and submitted by WIPO to the government authorities and UNDP.

Dominican Republic. In January 1993, two WIPO officials undertook a mission to Santo Domingo to discuss with government authorities possible steps to be taken in connection with the modernization of the intellectual property system, including legislation and accession to treaties administered by WIPO.

Development Cooperation (in General)

France. In January 1993, four WIPO officials visited Paris for discussions with officials of the National Institute of Industrial Property (INPI) on activities to be financed in 1993 by a special contribution from the Government of France to development cooperation activities of WIPO in the field of industrial property.

European Patent Office (EPO). In January 1993, four WIPO officials visited the EPO in Munich to discuss WIPO-EPO cooperation in 1993 in providing assistance to developing countries.

Activities of WIPO in the Field of Industrial Property Specially Designed for European Countries in Transition to Market Economy

Regional Activities

Joint Meeting Concerning the Regional Industrial Property Programme (RIPP) for Central and Eastern Europe (Romania). In January 1993, two WIPO officials attended in Bucharest the first Joint Meeting Concerning the Regional Industrial Property Programme (RIPP) for Central and Eastern Europe organized by the State Office for Inventions and Trademarks of Romania, in its capacity as coordinator of the Programme, in cooperation with the European Patent Office (EPO). The Meeting was attended by the heads of the industrial property offices of the following countries: Albania, Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia. The EPO and the Commission of the European Communities (CEC) were also represented.

The purpose of the Meeting was to identify the needs of participating countries with respect to the Regional Industrial Property Programme (RIPP), which will be financed by the European Communities (EC) and implemented by the EPO.

Industrial Property Protection Seminar (Latvia). In January 1993, a WIPO official participated, as a speaker, in the Industrial Property Protection Seminar organized in Riga by the Nordic Council of Ministers for the Baltic States. Other speakers came from Denmark, Finland, Sweden and the EPO. The Seminar was attended by some 110 participants, including mainly government officials, representatives of academic circles and enterprises from Latvia as well as from Estonia and Lithuania.

National Activities

Romania. In January 1993, a WIPO official had discussions in Bucharest with the staff of the Trademarks Department of the State Office for Inventions and Trademarks on the automation of trademark operations and gave a demonstration of WIPO's ROMARIN (Read-Only Memory of Madrid Actualized Registry INFORMATION) CD-ROM product.

Contacts of the International Bureau of WIPO with Governments and International Organizations in the Field of Industrial Property

United Nations

United Nations Administrative Committee on Co-ordination (ACC). In January 1993, a WIPO official attended, in Geneva, the 18th session of the Inter-Agency Technical Working Group of the ACC Task Force on Long-term Development Objectives.

United Nations Conference on Trade and Development (UNCTAD). In January 1993, a WIPO official attended the Standing Committee on Economic Co-operation among Developing Countries of UNCTAD held in Geneva.

Intergovernmental Organizations

European Patent Organisation/Office (EPO). In January 1993, a WIPO official had discussions with EPO officials in The Hague on the future implementation of the Electronic Application SYstem (EASY) project for the electronic filing of patent applications.

Other Organizations

Association of International Libraries (AIL). In January 1993, a WIPO official attended a meeting of the Executive Committee of AIL held in Geneva.

Graduate Institute of International Studies. In January 1993, a WIPO official gave a presentation, in Geneva, on WIPO and its activities to a group of diplomats from African and Asian countries enrolled in the diplomatic studies program organized by the Institute.

National Contacts

Austria. In January 1993, a WIPO official undertook a mission to Vienna to discuss with officials from the Austrian Patent Office possible cooperation in the field of CD-ROM technology and to give a demonstration of WIPO's ROMARIN (Read-Only Memory of Madrid Actualized Registry INformation) CD-ROM product.

France. In January 1993, two WIPO officials visited Paris to discuss with officials of the National Institute of Industrial Property (INPI) different aspects of the transmission of data on international applications under the Patent Cooperation Treaty (PCT) and international trademark registrations under the Madrid Agreement Concerning the International Registration of Marks.

Miscellaneous News

National News

Czech Republic. Law No. 14/1993 on Measures for the Protection of Industrial Property entered into force on January 1, 1993.

France. Decree No. 92-792 of August 13, 1992, on Deposited Industrial Designs and the Order of August 13, 1992, on Industrial Designs both entered into force on September 15, 1992.

The Order of September 4, 1992, on Trademarks and Service Marks was published in *Journal officiel de la République française* of September 16, 1992, p. 12766.

Hungary. The Decree of the Minister of Agriculture and Food on the Deposit and Handling of Microorganisms for the Purposes of Patent Procedure (No. 15/1986 (IX/17) MEM) was amended by Decree No. 18/1992 (V.30) FM of the Minister of

Agriculture. The latter Decree entered into force on July 15, 1992.

Italy. Royal Decree No. 920 of June 21, 1942, Containing the Legal Provisions on Patents for Trademarks, as last amended by Law No. 138 of March 21, 1967, was further amended by Decree Law No. 480, of December 4, 1992, concerning the implementation of the EEC Council Regulation (No. 89/104) of December 21, 1988, to Approximate the Laws of the Member States Relating to Trademarks (see *Industrial Property Laws and Treaties*, REGIONAL LAWS – Text 3-002). The latter Decree Law entered into force on December 31, 1992.

Luxembourg. The consolidated text of the Law of November 27, 1986, regulating certain commercial practices and sanctioning unfair competition, as amended by the Law of May 14, 1992, was published on May 29, 1992.

Peru. Decree Law No. 26017 of November 24, 1992, promulgating the General Industrial Property Law, entered into force on December 29, 1992.

Romania. The new Industrial Designs Law entered into force on the date of its publication in

the Official Gazette of Romania, No. 1, that is, on January 8, 1993.

United Arab Emirates. Federal Law No. 37 of September 20, 1992, on Trademarks entered into force on January 12, 1993.

United Kingdom. The Patents (Supplementary Protection Certificate for Medicinal Products) Regulations 1992 (Statutory Instruments 1992 No. 3091) entered into force on December 10, 1992, in respect of its Rules 1, 2 and 4(2), and on January 2, 1993, for all other purposes. These Regulations were adopted to implement Council Regulation (EEC) No. 1768/92 of June 18, 1992, Concerning the Creation of a Supplementary Protection Certificate for Medicinal Products (see *Industrial Property Laws and Treaties*, REGIONAL LAWS – Text 2-001).

The Patents (Supplementary Protection Certificate for Medicinal Products) Rules 1992 (Statutory Instruments 1992 No. 3162) entered into force on January 2, 1993. These Rules were adopted under Section 123 of the Patents Act 1977 (see *Industrial Property Laws and Treaties*, UNITED KINGDOM – Text 2-001).

Calendar of Meetings

WIPO Meetings

(Not all WIPO meetings are listed. Dates are subject to possible change.)

1993

May 10 to 21 (Geneva)

Committee of Experts on the Settlement of Intellectual Property Disputes Between States (Fifth Session) and Preparatory Meeting for the Diplomatic Conference for the Conclusion of a Treaty on the Settlement of Intellectual Property Disputes Between States

The Committee of Experts will continue the preparations for a possible multilateral treaty on the settlement of intellectual property disputes between States. The Preparatory Meeting will

decide what substantive documents should be submitted to the Diplomatic Conference and which States and organizations should be invited to the Diplomatic Conference. The Preparatory Meeting will also establish the draft Rules of Procedure of the Diplomatic Conference. *Invitations:* States members of the Paris Union, the Berne Union or WIPO or party to the Nairobi Treaty and, as observers, certain organizations.

June 2 to 4 (Geneva)

Working Group of Non-Governmental Organizations on Arbitration and Other Extra-Judicial Mechanisms for the Resolution of Intellectual Property Disputes Between Private Parties (Third Session)

The Working Group will examine draft WIPO arbitration and mediation rules, in view of the proposed establishment, within WIPO, of services for the resolution of disputes between private parties concerning intellectual property rights.

Invitations: Selected non-governmental organizations.

June 7 to 18 (Geneva)

Committee of Experts on the Harmonization of Laws for the Protection of Marks (Fifth Session)

The Committee will continue to examine a draft trademark law treaty, with particular emphasis on the harmonization of formalities with respect to trademark registration procedures.

Invitations: States members of the Paris Union, the European Communities and, as observers, States members of WIPO not members of the Paris Union and certain organizations.

June 21 to 25 (Geneva)

Committee of Experts on a Possible Protocol to the Berne Convention (Third Session)

The Committee will continue to examine the question of the preparation of a possible protocol to the Berne Convention for the Protection of Literary and Artistic Works.

Invitations: States members of the Berne Union, the Commission of the European Communities and, as observers, States members of WIPO not members of the Berne Union and certain organizations.

June 28 to July 2 (Geneva)

Committee of Experts on a Possible Instrument on the Protection of the Rights of Performers and Producers of Phonograms (First Session)

The Committee will examine the question of the preparation of a possible new instrument (treaty) on the protection of the rights of performers and producers of phonograms.

Invitations: States members of WIPO, the Commission of the European Communities and, as observers, certain organizations.

September 20 to 29 (Geneva)

Governing Bodies of WIPO and the Unions Administered by WIPO (Twenty-Fourth Series of Meetings)

All the Governing Bodies of WIPO and the Unions administered by WIPO meet in ordinary sessions every two years in odd-numbered years.

In the sessions in 1993, the Governing Bodies will, *inter alia*, review and evaluate WIPO's activities undertaken since July 1991, and adopt the program and budget of the International Bureau for the 1994-95 biennium.

Invitations: States members of WIPO or the Unions and, as observers, other States members of the United Nations and certain organizations.

October 13 and 14 (Funchal, Madeira)

Symposium on the International Protection of Geographical Indications (organized by WIPO in cooperation with the Government of Portugal)

The Symposium will deal with the protection of geographical indications (appellations of origin and other geographical indications) both on the national and multilateral level.

Invitations: Governments, selected non-governmental organizations and any member of the public (against payment of a registration fee).

November 8 to 12 (Geneva)

Committee of Experts on a Model Law on the Rights of Performers and Producers of Phonograms (Second Session)

The Committee of Experts will continue to consider a draft Model Law dealing with the protection of the rights of producers of phonograms, and it will consider (for the first time) provisions for the Model Law dealing with the rights of performing artists.

Invitations: States members of the Berne Union or WIPO, or party to the Rome Convention or the Phonograms Convention and, as observers, certain organizations.

UPOV Meetings

(Not all UPOV meetings are listed. Dates are subject to possible change.)

1993

- October 27 (Geneva)** **Administrative and Legal Committee**
Invitations: Member States of UPOV and, as observers, certain non-member States and inter-governmental organizations.
- October 28 (Geneva)** **Consultative Committee (Forty-Seventh Session)**
Invitations: Member States of UPOV.
- October 29 (Geneva)** **Council (Twenty-Seventh Ordinary Session)**
Invitations: Member States of UPOV and, as observers, certain non-member States and inter-governmental and non-governmental organizations.

Other Meetings

1993

- May 8 to 12 (New Orleans) United States Trademark Association (USTA): 115th Annual Meeting
- May 23 to 26 (Bournemouth) Union of European Practitioners in Industrial Property (UEPIP): Congress
- June 2 to 5 (Madrid) European Communities Trade Mark Association (ECTA): Annual General Meeting and Conference
- June 7 to 11 (Vejde) International Federation of Industrial Property Attorneys (FICPI): Executive Committee
- June 12 to 16 (Lisbon) International Association for the Protection of Industrial Property (AIPPI): Council of Presidents
- June 26 to July 1 (Berlin) Licensing Executives Society International (LESI): Annual Meeting
- September 12 to 16 (Colombo) Law Association for Asia and the Pacific (LAWASIA): 13th LAWASIA Conference
- September 20 to 24 (Antwerp) International Literary and Artistic Association (ALAI): Congress
- October 1 and 2 (Budapest) International League of Competition Law (LIDC): Study Days
- October 6 to 8 (Cincinnati) Pacific Industrial Property Association (PIPA): International Congress
- October 12 to 14 (Lugano) International Federation of Reproduction Rights Organisations (IFRRO): Annual General Meeting

1994

- February 2 to 8 (Queenstown) International Federation of Industrial Property Attorneys (FICPI): Executive Committee
- May 8 to 11 (Seattle) United States Trademark Association (USTA): 116th Annual Meeting
- May 25 to 28 (Luxembourg) European Communities Trade Mark Association (ECTA): Annual General Meeting and Conference
- June 12 to 18 (Copenhagen) International Association for the Protection of Industrial Property (AIPPI): Executive Committee
- June 20 to 24 (Vienna) International Federation of Industrial Property Attorneys (FICPI): Congress

